



*Town Council of the Town of Portsmouth*

*2200 East Main Road / Portsmouth Rhode Island 02871*

**Petition of The Narragansett Electric Company  
d/b/a Rhode Island Energy  
111 Old Mill Lane  
Map 68, Lot 74  
Zoned: R-40**

**CORRECTED ADVISORY OPINION  
OF PORTSMOUTH TOWN COUNCIL  
ON APPLICATION FOR SOUND VARIANCE**

This matter was heard before the Portsmouth Town Council on July 10, 2023, on the application of The Narragansett Electric Company d/b/a Rhode Island Energy for a sound variance pursuant to §257-18 of the Portsmouth Noise Abatement Ordinance, Chapter 257 of the Town of Portsmouth Code of Ordinances (“Noise Ordinance”). The application for a variance was submitted pursuant to an Order of the Rhode Island Energy Facility Siting Board (“EFSB”) in Docket No. SB-2021-04, which directed the Town Council to render an advisory opinion as to the whether the applicant’s proposed liquid natural gas vaporization facility at 111 Old Mill Lane (the “project”) will meet the Town noise ordinance limits and, if not, whether an exemption from the Portsmouth Noise Ordinance should be granted.

Applicant was represented by George W. Watson III, Esquire of the firm Robinson & Cole LLP. Council Members participating in the hearing and decision were President Kevin M. Aguiar, Vice President Leonard B. Katzman, Daniela T. Abbott, David M. Gleason, Keith E. Hamilton, Charles J. Levesque, and J. Mark Ryan.

The Council heard the presentation by Mr. Watson and testimony from Julie Porcaro (RIE’s Director of Gas Network Operations), Brian Kirkwood (RIE’s Manager of LNG Operations), and Sanvisna Kogelen of HDR, Inc. (RIE’s noise consultant/engineer). Mr. Watson and the applicant’s witnesses walked the Council through a PowerPoint presentation and discussed a proposed revised site layout and configuration and new equipment (storage units, gas fired vaporizers) that are proposed to be utilized for the LNG vaporization operation, which will reduce the amount of noise emitted by the facility, if the project is approved by the EFSB. Mr. Watson stated that a newer vaporizer was used during the winter of 2022/23 which was quieter and used less frequently than the older vaporizer previously used at the site.

Mr. Watson stated that complaints were not received last winter when the new vaporizer was in use. Applicant provided a list of noise emitting conditions at the proposed facility that are expected to exceed maximum sound limits of the Noise Ordinance. These conditions include the venting of boil-off gas, which occurs during initial LNG cooldown, when receiving LNG trucks, when transferring LNG between storage units, and when transport trailers vent gas after transfer is completed. Mr. Watson stated that deliveries typically occur during business hours. LNG deliveries at night would only occur if the facility is injecting to support the natural gas supply to the Island. It is RIE's expectation and belief that the operation of the facility will otherwise not exceed the limits of the Ordinance during normal daytime operations. Mr. Watson stated that if the licensing is approved by the EFSB, the earliest the new facility would be built and ready for operation would be November of 2024, as a best-case scenario. The existing facility will continue to be operated in the meantime. Mr. Watson and RIE's witnesses responded to several questions and comments from members of the Council concerning the proposed facility, as redesigned and reconfigured in the future (if approved by the EFSB), and the operation and noise associated with the existing facility during the past several winter seasons, following the gas outage and interruption of service that occurred in January 2019.

The Council heard comments from Stephen and Lori MacDonald, 124 Old Mill Lane, Lawrence Silvia, 24 Old Mill Lane, Murray Norcross, 94 Fieldstone Drive, Michael Richardson, 162 Old Mill Lane, all of whom opposed the application and noted the substantial negative impacts that have been caused, and will continue to be caused, by the noise emitted by the current LNG vaporization facility and the proposed redesigned facility.

Council members expressed concerns that the current LNG facility, even with efforts to mitigate the noise level during the past winter by using a newer vaporizer unit, is still incompatible with the Noise Ordinance, and requested that RIE notify abutters and Town officials directly, in advance, if there are to be any operations at night. Council members also expressed concerns that all necessary noise reduction and mitigation measures had not been taken to comply with the Ordinance.

In determining whether to grant or deny an application for a sound variance, the Noise Ordinance provides that the "Council shall balance the hardship to the applicant, the community and other persons, if the sound variance is not allowed, against the adverse impact on the health, safety and welfare of persons affected, the adverse impact on property affected, and other adverse impact, if the sound variance is allowed." §257-18. D.

The Council considered the application and balanced the hardship to RIE if its application for a sound variance were to be denied, against the hardship to the abutters and their properties and the general community if RIE's application for a variance were to be approved. The Council noted that RIE's current operation does not comply with the Noise Ordinance, and it is asking the Council to grant a long term, indefinite, and open-

ended variance to continue to violate the Ordinance in the future, as needed, if the proposed facility is licensed by the EFSB. The Council found that an industrial LNG vaporization facility does not belong in this residential neighborhood. At a minimum, further noise mitigation measures should be pursued and implemented as necessary to comply with the Ordinance.

Accordingly, the Town Council voted unanimously, 7-0, to issue an advisory opinion to the EFSB, that RIE's application for a sound variance should be DENIED.

**Portsmouth Town Council**

**By:**

A handwritten signature in black ink, appearing to read "Kevin Aguiar", written over a horizontal line.

**Kevin M. Aguiar, President**

Dated: July 24, 2023